

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION  
No. 2:18-CV-29-D

HERBERT CLAUDE ELEY,

Plaintiff,

v.

PERQUIMANS COUNTY USDA,

BOB ETHERIDGE, MICHELLE

WINSLOW, and MIKE HUSKEY,

Defendants.

**ORDER**

On July 16, 2018, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) and recommended that plaintiff’s application to proceed in forma pauperis be granted and that the complaint be dismissed without prejudice [D.E. 6]. On August 3, 2018, plaintiff filed objections to the M&R [D.E. 7].

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and plaintiff’s objections. As for those portions of the M&R to which plaintiff made no objection, the court is satisfied that there is no clear

error on the face of the record. As for the objections, the court has reviewed the objections and the M&R de novo. Plaintiff failed to state a claim upon which relief can be granted, and his objections are overruled.

In sum, plaintiff's application to proceed in forma pauperis [D.E. 1] is GRANTED, and plaintiff's complaint [D.E. 1-1] is DISMISSED without prejudice.

SO ORDERED. This 8 day of August 2018.

James C. Dever  
JAMES C. DEVER III  
Chief United States District Judge